

# MISSISSIPPI PUBLIC DEFENDER TASK FORCE



## REPORT TO THE MISSISSIPPI LEGISLATURE

JANUARY 31, 2008

Mississippi Public Defenders Task Force  
Report to the Mississippi State Legislature  
January 31, 2008

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LETTER  
FROM THE  
CHAIRMAN OF THE PUBLIC DEFENDER TASK FORCE

January 31, 2008

The Honorable Phil Bryant  
Distinguished Members of the Senate  
The Honorable William J. McCoy  
Distinguished Members of the House  
New Capitol  
Jackson, Mississippi 39201

Mesdames and Messieurs:

The Public Defenders Task Force continues to encourage productive conversations between prosecutors and defenders as the Task Force considers possible legislative measures that will assist in the creation of an adequately funded and well-trained public defender system. The Task Force is currently meeting to discuss what the next steps of the Task Force will be in light of the legislation the Task Force successfully submitted and saw passed by the Mississippi Legislature in 2007, including the extension of the repealer of the Task Force by four years; the inclusion of a representative from the Mississippi Bar and a representative from the Magnolia Bar to the Task Force; and approval of a public defender training component. Possible legislation to be submitted to the 2008 Legislature is currently being considered by the Task Force and its Legislative Subcommittee. The Task Force is grateful to the Mississippi Legislature for its continued support of the Task Force as it continues its work.

On behalf of all members of the Task Force, we appreciate the opportunity to serve with the hope that our legal system will be improved.

Sincerely,

/s/ James E. Graves, Jr.

James E. Graves, Jr., Chairman  
Mississippi Public Defender Task Force

JEG/dd

## STATUTORY CREATION

Mississippi Public Defender Task Force  
Miss. Code Ann. § 25-32-71

There is created the Mississippi Public Defender Task Force which shall be composed of thirteen (13) members as follows:

- The President of the Mississippi Public Defender Association, or his designee;
- The President of the Mississippi Prosecutors Association, or his designee;
- A representative of the Administrative Office of Courts;
- A representative of the Mississippi Supreme Court;
- A representative of the Conference of Circuit Judges;
- A representative of the Mississippi Attorney General's Office;
- A representative of the Mississippi Association of Supervisors;
- The Chairman of the Senate Judiciary Committee, or his designee;
- The Chairman of the Senate Appropriations Committee, or his designee;
- The Chairman of the House Judiciary En Banc Committee, or his designee;
- The Chairman of the House Appropriations Committee, or his designee;
- A representative of the Magnolia Bar Association;
- A representative of The Mississippi Bar.

## MEMBERSHIP OF THE TASK FORCE

## Mississippi Public Defender Task Force 2008 Membership

### Chairman

**Justice James E. Graves, Jr.**  
Mississippi Supreme Court  
P.O. Box 117  
Jackson, MS 39205

### Vice-Chairman

**Judge William Chapman, III**  
Conference of Circuit Judges  
P.O. Box 1626  
Canton, MS 39046

### **Senator Alan Nunnelee**

Chairman Senate Appropriations Committee  
P.O. Box 1018 (Capitol)  
Jackson, MS 39215-1018

### **Senator Gray Tollison**

Senate Judiciary Committee  
P.O. Box 1018 (Capitol)  
Jackson, MS 39215

### **Representative Edward Blackmon, Jr.**

House Judiciary En Banc Committee  
P.O. Box 1018 (Capitol)  
Jackson, MS 39215-1018

### **Representative Johnny W. Stringer**

Chairman House Appropriations Committee  
P. O. Box 1018 (Capitol)  
Jackson, MS 39215-1018

### **Chris Klotz**

The Klotz Law Firm  
1060 E. County Line Road  
Suite 3A-192  
Ridgeland, MS 39157

### **Ben Creekmore**

President, MS Prosecutors Association  
Office of the District Attorney  
P.O. Box 1635  
Batesville, MS 38606

### **Kevin Lackey**

Administrative Office of Courts  
P.O. Box 117  
Jackson, MS 39205

### **Marvin L. "Sonny" White**

MS Attorney General  
P.O. Box 220  
Jackson, MS 39205-0220

### **T.H. "Butch" Skipper**

MS Association of Supervisors  
Quitman County Chancery Clerk  
230 Chestnut  
Marks, MS 38646

### Staff Support

David Dykes  
Project Manager  
Administrative Office of Courts  
P. O. Box 117  
Jackson, MS 39205



ATTACHMENT “A”

PUBLIC DEFENDER TASK FORCE MINUTES

**MISSISSIPPI PUBLIC DEFENDER TASK FORCE**

**MINUTES**

**SEPTEMBER 25, 2007**

**MISSISSIPPI BAR CENTER**

**10:00 A.M.**

**Members Present:**

Justice James E. Graves, Jr., Chairman

Judge William Chapman, III, Conference of Circuit Judges, Co-Chairman

T.H. "Butch" Scipper, MS Association of Supervisors

Chris Klotz, MS Public Defender Association

Jennifer Riley-Collins, Magnolia Bar

Fred L. Banks, Jr., Mississippi Bar

**Others Present:**

Joel Yelverton, MS Association of Supervisors

Louwlynn V. Williams, MS Office of Capital Post Conviction Counsel

Beverly P. Kraft, Administrative Office of Courts

George Holmes, Office of Indigent Appeals

Andre deGruy, MS Office of Capital Defense Counsel

Glenn Swartzfager, MS Office of Indigent Appeals

Ramel Cotton, Magnolia Bar

David Dykes, Administrative Office of Courts

**Members Absent:**

Rep. Edward Blackmon, Jr., MS House Judiciary En Banc Committee

Ben Creekmore, MS Prosecutors Association

Senator Gray Tollison, MS Senate Judiciary Committee

Rep. Johnny Stringer, MS House Appropriations Committee

Senator Carl "Jack" Gordon, Jr., MS Senate Appropriations Committee

Kevin Lackey, Administrative Office of Courts

Marvin "Sonny" White, MS Attorney General's Office

**Call to Order**

The meeting of the Mississippi Public Defenders Task Force was called to order at 10:06 a.m. by Justice James Graves, Chairman. Justice Graves noted the addition of two new members to Task Force: Jennifer Riley-Collins as the Magnolia Bar's representative and Fred Banks, Jr. as the Mississippi Bar's representative.

## **Old Business**

### **Minutes**

The minutes from the November 9, 2006 meeting were approved. The Task Force also discussed whether items could be voted upon without a majority of members present. After recognizing that the Task Force has conducted business with as few as five members in the past, it was agreed that the meeting could proceed.

## **New Business**

### **A. Legislative Update**

Chris Klotz began the meeting by reminding the Task Force that three of its four legislative goals had been achieved in the latest legislative session, including the extension of the repealer of the Task Force by four years; the inclusion of a representative from the Mississippi Bar and a representative from the Magnolia Bar to the Task Force; and approval of a public defender training component. After some discussion concerning the legislation, Justice Graves commended the Task Force for all it had accomplished last year. He also expressed his belief that having representatives from the Mississippi Bar and the Magnolia Bar would be a significant and positive addition to the Task Force. Justice Graves also expressed his approval of the idea of having funding for public defenders that was equal to that being set aside for prosecutors.

Justice Graves then introduced Jennifer Riley-Collins as the Magnolia Bar's representative to the Task Force and Fred L. Banks, Jr. as the Mississippi Bar's representative to the Task Force. Ms. Riley-Collins expressed her anticipation of finding ways to have the Task Force assist in youth court defense.

Chris Klotz mentioned to the group how proud he was that the 2007 legislation submitted by the Task Force was created in conjunction with the Mississippi Prosecutors Association. He felt that such collaboration between prosecutors and public defenders was an historic step and felt that any legislation in the future would benefit from the significant progress made last year. Mr. Klotz encouraged both the public defenders and prosecutors to work together so that the Task Force can draft legislation that is responsive to the desires and concerns of both groups.

### **B. New Legislation**

Concerning possible legislation for the next session, Mr. Klotz stated that he would meet with the Public Defenders Association and listen to their concerns and suggestions for future

legislation. Mr. Klotz was hopeful that the members of the Prosecutors Association could do the same, and Mr. Klotz and Ben Creekmore, the new president of the Mississippi Prosecutors Association, could meet with the Task Force's legislative subcommittee. Justice Graves suggested setting a deadline for a recommendation to the Task Force by the legislative subcommittee.

Some members suggested giving the prosecutors a deadline for submitting suggestions before the legislative subcommittee met, but the Task Force eventually decided that it would be more advisable to set the meeting of the legislative subcommittee and create a deadline for submission of proposed legislation by the legislative subcommittee to the Task Force. Judge Chapman stated his opinion that the earliest possible date for a report from the legislative subcommittee would be the second week of December, and he also stated that it might take more than one meeting to get everyone on the same page.

Chapman informed the Task Force that the circuit judges are going to want to retain control of appointing chief public defenders. Concerning possible legislation, Judge Chapman stated that the best chance of getting something passed is to mirror what prosecutors are receiving with some minor adjustments.

Mr. Klotz suggested December 14, 2007, as the deadline for the legislative subcommittee to meet and begin work on suggested legislation.

Justice Graves offered to call Ben Creekmore and let him know what the Task Force had discussed. It was estimated that the deadline for introduction of a bill to the legislature would be February 25, 2008.

Andre DeGruy then gave the Task Force an update on the public defender system, including the number of complaints filed against public defenders. He informed the Task Force that 95% of the complaints from clients in criminal matter concerned public defenders. He also stated that his office received a grant to put on a death penalty defense training program. Mr. Ramel Cotton offered his opinion that there is too much county to county variation in the administration and oversight of the public defender system.

Ms. Riley-Collins echoed Mr. Ramel's concerns and expressed her desire to see uniform oversight of the public defender systems in all counties. Mr. Klotz stated that the Task Force needs to work with circuit judges and said that many people have expressed concern that sometimes circuit judges don't appoint the best attorneys for the public defender positions. Judge Chapman stated that some county systems do work, and while he believes that some programs need improvement, he doesn't feel that the system is broken statewide. Justice Graves wondered whether there is any accountability in the current system. Mr. Banks wondered whether there was a way to monitor the public defender system. Justice Graves reported that there was currently no statewide system of fact collection for the system.

because the AOC doesn't receive cover sheets in criminal cases with that information.

**Next Meeting**

The Task Force agreed that its next meeting should be on January 11<sup>th</sup>, 2008 at 10:00 a.m.

**Adjournment**

There being no further business, the Mississippi Public Defender Task Force adjourned at 11:17 p.m.

Respectfully submitted by:

/s/ David Dykes

David Dykes

Project Manager, Administrative Office of Courts

Recorder, MS Public Defender Task Force

/s/ James E. Graves, Jr.

Hon. James E. Graves, Jr., Justice

Supreme Court of Mississippi

Chairman, MS Public Defender Task Force

January 11, 2008

Date Approved

